



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – August 18, 2010

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 444.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the August 18, 2010 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

##### A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Gary Olson** – NOV #SW09-1723/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located at the northeast corner of North Morning Sun Way and East Washington Boulevard, Clark County, Nevada on or about December 5, 2009.

Item continued to September 15, 2010 docket.

2. **Edilzon Dennis Gonzalez-Ochoa** – NOV #SW10-209/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 3241 Arlene Way and 3240 Michael Way and the public right-of-way between 3241 Arlene Way and 3240 Michael Way, Las Vegas, Clark County, Nevada on or about February 19, 2010 and March 5, 2010.

Hearing officer found Edilzon Dennis Gonzalez-Ochoa in violation and imposed a penalty of \$900 for each of 1) and 2).

3. **Gerald L. Stephens and Carolyn W. Stephens** – NOV #SW10-371/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at the Springhurst Townhouses, Las Vegas, Clark County, Nevada on or about April 4, 2010.

Hearing officer found Gerald L. Stephens and Carolyn W. Stephens in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **Hem Chand Gupta and Krishna Gupta** – NOV #SW09-1261/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 3, 2009.

Item withdrawn by the Southern Nevada Health District.

5. **First Regional Bank** – NOV #SW10-349/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 31, 2010.

Hearing officer found First Regional Bank in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **Amanda Jones** – NOV #SW10-418/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 900 North Tonopah Drive, Las Vegas, Clark County, Nevada on or about April 16, 2010.

Item withdrawn by the Southern Nevada Health District.

7. **Alliance Real Estate Holdings, LLC and Gap Trust Etal** – NOV #SW09-1436/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 12, 2009.

Item withdrawn by the Southern Nevada Health District.

8. **Green Shack Plaza, LLC, Jason P. Flangas, Hector Sedano and Romeo Sedano** – NOV #SW10-132/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 11, 2010.

Hearing officer found Green Shack Plaza, LLC, Jason P. Flangas, Hector Sedano and Romeo Sedano in violation of 2) and imposed a penalty of \$500.

9. **Calvin Hicks** – NOV #SW10-535/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 900 North Tonopah Drive, Las Vegas, Clark County, Nevada on or about April 16, 2010.

Hearing officer found Calvin Hicks in violation and imposed a penalty of \$900 for each of 1) and 2).

10. **Richard L Sweeney dba Preferred Realty Advisors, Inc.** – NOV #SW09-791/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 2201 Sunrise Avenue, Las Vegas, Clark County, Nevada on or about May 19, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 19, 2009.

Hearing officer found Richard L. Sweeney dba Preferred Realty Advisors, Inc. in violation and imposed a penalty of \$900 for each of 1) and 2), and a penalty of \$2,700 for 3). A \$150 process service fee is ordered. Corrective action of remediation of area affected by sewage overflow is ordered. In addition, arrange and/or contract to have repairs and testing of all deficient plumbing elements, e.g. plumbing lines, distribution boxes, septic tank, leach fields lines, cut-outs, and internal plumbing within dwelling(s) completed by a certified, licensed plumber of a plumbing company.

11. **St. Rose Coronado 613 LLC** – NOV #SW09-1632/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 17, 2009.

Item continued to September 15, 2010 docket.

12. **Manuel Jesus Tovar** – NOV #SW09-141/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on May 22, 2009.

Item continued to September 15, 2010 docket.

13. **Grand Canyon II, LLC, Paulette Kimura-Shimabukuro and Angelo O'Brien** – NOV #SW10-137/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 23, 2010.

Hearing officer found Grand Canyon II, LLC, Paulette Kimura-Shimabukuro and Angelo O'Brien in violation and imposed a penalty of \$900 for each of 1) and 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Corrective action of removal and proper disposal of waste is ordered.

14. **Nicholas Anthony Tortu and Dino Louis Tortu** – NOV #SW09-1377/A0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 17, 2010.

Hearing officer found Nicholas Anthony Tortu and Dino Louis Tortu in violation and imposed a penalty of \$1,500. Corrective action of removal and proper disposal of waste is ordered.

15. **Developers Maintenance** – NOV #SW10-267/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Item withdrawn by the Southern Nevada Health District.

16. **Amazon Landscape Maintenance, Inc. dba Green Tree Landscape & Maintenance** – NOV #SW10-356/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 2, 2010.

Hearing officer found Amazon Landscape Maintenance, Inc., dba Green Tree Landscape & Maintenance in violation and imposed a penalty of \$3,500 for 1) and a \$900 penalty for 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Corrective action of removal and proper disposal of waste is ordered.

17. **Olympia Group, LLC** – NOV #SW09-712/D8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 29, 2010.

Hearing officer found Olympia Group, LLC in violation and imposed a penalty of \$900 for each of 1), 2), and 3). Corrective actions of removal and proper disposal of waste and the retention of a Certified Environmental Manager (CEM) are ordered. Failure to comply will result in the original penalty of \$5,400 as initially sought in the Notice of Violation.

18. **Erika Barranco** – NOV #SW10-513/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the property located at 4490 East Lake Mead Boulevard, Clark County, Nevada Units 139 and 143 on or about November 13, 2009; and 3) engaging in the unauthorized collection of recyclable materials in Clark County, Nevada on or about November 13, 2009.

Hearing officer found Erika Barranco in violation and imposed a penalty of \$10,000 for each of 1) and 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

- B. NON-CONTESTED NOTICES OF VIOLATION: The Hearing Officer may approve or disapprove the agreed resolution. Upon disapproval of the agreed resolution, the Hearing Officer will set a date for the hearing of any such Notice of Violations.
1. **Douglas R. Stockwell** – NOV #SW10-457/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority;

and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located on the southwest corner of Wigwam Parkway and Business Center, Henderson, Clark County, Nevada on or about April 20, 2010.

Hearing officer found Douglas R. Stockwell in violation and imposed a penalty of \$500 for 2).

2. **Crystal Capital Group, LLC** - NOV #SW10-154/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 18, 2010.

Hearing officer found Crystal Capital Group, LLC in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

3. **Performance Ready-Mix LLC** - NOV #SW10-303/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at the southeast corner of Azure Avenue and Novak Street, North Las Vegas, Clark County, Nevada on or about March 19, 2010.

Hearing officer found Performance Ready-Mix, LLC in violation of 2) and imposed a penalty of \$900.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Homero Cadenanunez** – NOV #SW09-1603/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant property located on the southwest corner of Wiesner Way and Galleria Drive, Henderson, Clark County, Nevada on or about November 3, 2009.

Hearing officer order of June 16, 2010 is amended.

2. **Clark County Treasurer Trustee** – NOV #SW09-1492/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 22, 2009.

Hearing officer order dated April 13, 2010 is vacated.